

REMARKS

Claims 1-21 of the subject application are currently pending and have been rejected by the Examiner. Applicant traverses.

Claim Rejections Under 35 U.S.C. § 101

The Examiner has rejected claims 14-18 under 35 U.S.C. § 101. In this regard, the Examiner states:

“Claims 14-18 are rejected under 35 U.S.C. 101 as being directed to method steps which can be practiced mentally in conjunction with pen and paper, there fore they are directed to non-statutory subject matter. Specifically, as claimed in claim 14 it is uncertain what performs each of the claimed method steps. The Examiner suggests applicant to chance “method” to “computer implemented methods” in the preamble to overcome the outstanding 35 U.S.C. 101 rejection.”

(Page 2, Office Action mailed July 9, 2004)

One limitation of claim 14 includes:

“Executing a process on a primary host processor of a computer system, the process being associated with a non real-time operating system”.

In the above quoted limitation of claim 14, the process is executed on the primary host processor of the computer system. As such, the method of claim 14 cannot be “practiced mentally in conjunction with pen and paper”. Accordingly, it is respectfully submitted that claim 14 is directed to statutory subject matter, and the Examiner is respectfully requested to withdraw his rejection of claim 14. Given that claims 15-18 depend on claim 14, it is respectfully requested submitted that these claims are also directed to statutory subject matter, and the Examiner is accordingly respectfully requested to withdraw his rejection of these claims.

Claim Rejections Under 35 U.S.C. § 112

The Examiner has rejected claims 19-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this regard, the Examiner has stated that

“claims 19-21 are depended(sic) on method claims 14 and 16. However, claim 19 is a system claim and claims 20-21 are computer program claims”.

For convenience, claims 19, 20 and 21 are reproduced below:

19. (Original) A mobile, uniprocessor computer system programmed to implement the method of claim 14.

20. (Original) A machine-accessible medium including machine-accessible instructions that, when executed by a computer system, cause the computer system to perform the method of claim 14.

21. (Original) The medium of claim 20, further comprising machine-accessible instructions that, when executed by the computer system, cause the computer system to further perform the method of claim 16.

As will be seen, claim 19 is not dependent on claim 14, but merely refers to the method of claim 14 as a short hand way to incorporate the limitations of the method of claim 14 into claim 19. Thus, when properly construed, claim 19 is an independent system claim.

Similarly, claim 20 is not dependent on claim 14, but merely refers to the method of claim 14 as a short hand way to incorporate the limitations of the method of the claim 14 into claim 20. When property construed, claim 20 is a medium claim and is not dependent on claim 14.

Further, claim 21 is a medium claim, and is therefore properly dependent on claim 20 which is also a medium claim.

Given the foregoing, it is respectfully submitted that claims 19, 20 and 21 are not indefinite under 35 U.S.C. § 112, second paragraph. Accordingly, the Examiner is respectfully requested to withdrawal his rejections of claims 19-21 under 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over Brown, et al (U.S. Patent 6,366,622) in view of Bollella (U.S. Patent 6,466,962).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claim 1 includes the following limitations:

a high-level baseband controller to operate a radio module in accordance with a wireless communication protocol; and
a primary host processor coupled to the high-level baseband controller, the processor having a first portion to process real-time

events received from the controller and associated with the wireless communication protocol, and having a second portion to process non real-time events.

Brown describes a radio design in accordance with an architecture 1100 which implements a radio 20 and a baseband controller 24 (see column 20, lines 45-50). The architecture 1100 is connected to a baseband controller 1109 which in turn is connected to a host microprocessor 1110. As noted, in column 22, lines 15-20, “an advantage of using the baseband controller 1109 is that it can run software that implements the remaining Bluetooth specific tasks not handled by the architecture 1100 without involvement of the host microprocessor 1110.” (Emphasis added). In other words, Brown teaches away from involving the host microprocessor 1110 in the performance of Bluetooth specific tasks, and teaches that such tasks are handled or processed by the baseband controller 1109. Thus, Brown teaches away from a solution in which the host processor processes real time events from the baseband controller. Therefore, one skilled in the art would not be motivated to combine Bollella and Brown, as suggested by the Examiner on page 4 of the Office Action.

In view of the foregoing, it is respectfully submitted that the Examiner has failed to make a prima facie case of obviousness, and that accordingly the rejection of claim 1 under 35 U.S.C. § 103 should be withdrawn.

Given that claims 2-13 depend on claim 1, it is respectfully submitted that the rejection of these claims under 35 U.S.C. § 103 should also be withdrawn.

Independent claims 14, 19, and 20 are rejected by the Examiner under 35 U.S.C. § 103 in view of a combination of Brown and Bollella. As argued above, Brown and Bollella may not be combined since Brown teaches away from Bollella. Therefore, the

Examiner has failed to make a prime facie case of obviousness, and it is respectfully requested that the Examiner withdraw his rejection of claim 14, 19, and 20.

Remaining claims 15-18 depend on claim 14, and based on the foregoing, it is respectfully submitted that the Examiner withdraw his rejection of these claims.

Finally, claim 21 is dependent on claim 20, and by the above arguments, it is respectfully submitted that the Examiner should withdraw his rejections of these claims.

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Vani Moodley at (408) 720-8300, x286.

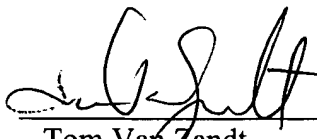
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

11/9/04



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